

The regulation changes, as proposed, create an additional cost burden on the would-be employer and, therefore, further encourage the use of illegal workers. Each proposed change in the following list increases the cost of conforming with the H2A law. The additional cost burden prevents the adoption of a timely and orderly flow of legal workers and the protection of the rights of laborers by financially discouraging the use of the H2A program.

"requiring employers to place three advertisements"... "appear in a Sunday edition"  
-top left of page 8, including cover

"Employers would also be required to contact former employees to determine their willingness to accept the employer's job opportunity"  
-- bottom right of page 8

"Employers would submit with their application...including the outcome of the evaluation of US worker applicants"  
-- middle of page 8, including cover

"required to attest under penalty of perjury"  
-- middle bottom of page 8

"requires employers to engage in recruitment through the Employment Service SWA job clearance system"  
-- top right of page 8, including cover

"substantially increased civil monetary penalties for non-compliance with program requirements"  
-- upper left of page 6

"required to maintain all supporting documentation for their application for a period of 5 years"  
-- middle right of page 6  
-- re-iterated and expanded in top middle of page 7

[applications must be filed 45 days before the date of first need]  
-- bottom right of page 6

"creates an additional process for penalizing employers or their attorneys of agents"  
-- middle bottom of page 7

"require employers to conduct recruitment of U.S. Workers for temporary agricultural job opportunities for a substantially longer period of time"  
-- middle right of page 7

"will make available upon request the name and location of every member of the association seeking workers"  
-- middle top of page 8

"requires employers to submit job orders to the SWA having jurisdiction"  
-- middle right of page 8

“employer would also have to attest that it has provided or secured required housing”

-- bottom left of page 9

[requirement for Workers' Compensation Insurance] more restrictive than current state requirements.

-- bottom left of page 9

[SWA may refer applicants who are not US citizens as if they were US citizens and employer must determine eligibility]

-- middle left of page 11

“50 percent rule” still required requiring hiring of citizen applicants AFTER the H2A worker has begun work. This explicitly blockades the employment of foreign workers from non-neighboring countries due to the transportation investment. For example, workers from Sierra Leone, Sudan, or central Africa.  
-- pages 12/13

“application fee”, “processing fees”, “increased fees for filing” “shall obtain a surety bond”

“The Department calculated each employer will likely pay in the range of \$500 to \$1,850 to meet the advertisement and recruitment requirements for a job opportunity, and spend approximately 3 hours of staff time preparing the standardized applications”

-- pp 14,15,etc., 43

655.111 “Required departure”

“required to engage in positive, multi-state recruitment efforts”

-- bottom right of page 30

“State that housing will be made available at no cost to workers who cannot reasonably return to their permanent residence at the end of the day”

-- middle of page 32

“The employer either shall provide each worker with three meals a day or shall furnish free and convenient cooking and kitchen facilities” (approved kitchen facilities are very expensive)

-- top right of page 33

“Transportation” (domestic workers typically do not require transportation nor is it deductible for contract workers by the IRS. The requirement for transportation is an additional burden not imposed on farms employing citizen workers or illegal aliens)

-- pages 32, 33